

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD C. FRYER, et al.,

Plaintiff,

v.

BERNIE BROWN, et al.,

Defendant.

Case No. C04-5481FDB

ORDER TO APPEAR AND SHOW
CAUSE

Before the Court is the motion of Jack D. Gartin, a nonparty witness, for an order of protection and Defendant's cross-motion to compel and for sanctions. On August 3, 2005, the Court previously denied Mr. Gartin's request for a protective order and ordered him to attend his scheduled deposition and to produce all documents listed in the subpoena duces tecum to the Defendant.

The arguments made by Mr. Gartin in support of the present motion are the same as those he previously made and which the Court previously rejected. Additionally, Defendant alleges that Mr. Gartin is in contempt of this Court's Order of August 3, 2005, because he has failed to produce various sales information prior to his purchase of Plaintiff's company and an unredacted customer


list.

ACCORDINGLY,

IT IS ORDERED:

- (1) **Jack D. Gartin, Plaintiff Ronald C. Fryer, and counsel for Defendant** shall appear before the Court on **Thursday, October 13, 2005, at 10:00 o'clock a.m., in Courtroom C**, to show cause why Mr. Gartin should not be held in contempt for failure to comply with the Court's Order of August 3, 2005 and why monetary sanctions should not be assessed against him;
- (2) Failure to comply with this Order shall result in monetary and/or other appropriate sanctions;
- (3) The Clerk is directed to send copies of this Order to Jack D. Gartin, Plaintiff, and counsel for Defendants.

DATED this 28th day of September, 2005.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE